

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION**

**HENRY BOYD, JR; DOROTHY  
BISHOP; and KAREEM EL-AMEEN,  
individually and on behalf of all others  
similarly situated**

**PLAINTIFFS**

**VS.**

**CIVIL ACTION NO: 3:06cv548HTW-LRA**

**HALEY BARBOUR, GOVERNOR OF THE STATE  
OF MISSISSIPPI; JIM HOOD, ATTORNEY  
GENERAL OF THE STATE OF MISSISSIPPI;  
and ERIC CLARK, SECRETARY OF STATE OF  
MISSISSIPPI, members of the Mississippi State Board  
of Election Commissioners; LUCY CARPENTER, Circuit  
Clerk and Registrar for Marshall County, Mississippi;  
ANGIE MCGINNIS, Circuit Clerk and Registrar for  
Oktibbeha County, Mississippi; ROGER GRAVES,  
Circuit Clerk and Registrar for Pike County, Mississippi,  
on behalf of himself and all others similarly situated; and  
AUDREY JENKINS, ARTIST ROBBINS, SHIRLEY  
FITZGERALD, MELODY WHITE, and LYNN WELLS,  
members of the PIKE COUNTY, MISSISSIPPI BOARD OF  
ELECTION COMMISSIONERS, on behalf of themselves  
and all others similarly situated**

**DEFENDANTS**

**MOTION TO DISMISS**

\_\_\_\_\_ **COME NOW** Roger Graves, Circuit Clerk and Registrar for Pike County, Mississippi, Audrey Jenkins, Artist Robbins, Shirley Fitzgerald, Melody White, and Lynn Wells, members of Pike County Mississippi Board Of Election Commissioners (collectively referred to as: the Pike County Defendants”) and file there Motion to Dismiss Complaint pursuant to Rule 12 (b) (6) of

the Federal Rules of Civil Procedure. The Pike County Defendants join in the Motion to Dismiss filed by the State Defendants, and incorporate by reference the arguments made in the Memorandum of Authorities accompanying the Motion by the State Defendants, the arguments contain in the State defendants' reply and opposition Motion to Convene Three- Judge Court, reply and opposition to Motion for Preliminary Injunction and reply and opposition to Motion for Temporary Restraining Order which will be filed in the immediate future. The Pike County Defendants join in the defense which will be filed by the State Defendants raising the Doctrine of Laches as barring the requested relief.

Wherefore, premises considered, the Pike County Defendants respectfully requests that this Court GRANT the present Motion to Dismiss Complaint.

Respectfully Submitted,

ROGER GRAVES, Circuit Clerk and  
Registrar for Pike County, Mississippi;  
AUDREY JENKINS, ARTIST ROBBINS,  
SHIRLEY FITZGERALD, MELODY  
WHITE, and LYNN WELLS, members of  
The PIKE COUNTY, MISSISSIPPI  
BOARD OF ELECTION COMMISSIONERS,  
DEFENDANTS

BY: DOWDY & COCKERHAM

S/ Wayne Dowdy  
WAYNE DOWDY  
ATTORNEY FOR PIKE COUNTY BOARD  
OF SUPERVISORS

WAYNE DOWDY, Esq; MSB #6177  
PIKE COUNTY BOARD ATTORNEY  
215 East Bay Street  
Post Office Box 30  
Magnolia, Mississippi 39652

**CERTIFICATE OF SERVICE**

I hereby certify that on October 28 , 2006, I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

Carroll Rhodes, Esq.  
[Crhode@bellsouth.net](mailto:Crhode@bellsouth.net)

Deborah A. McDonald, Esq.  
[attorneydmc@bellsouth.net](mailto:attorneydmc@bellsouth.net)

I hereby certify that I have mailed by United States Postal Service the foregoing document to the following non-ECF participants:

Leonard McClellan, Esq  
Lee & Associates  
2311 West Capitol Street  
Jackson, Mississippi 39209

Carmen Brooks, Esq.  
Post Office Box 448  
Natchez, Mississippi 39121

\_\_\_\_\_ Tacey Clayton, Esq.  
Clayton Law group  
Post Office Box 7053  
Tupelo, Mississippi 38802

Jackson M. Brown, Esq.  
Oktibbeha County Board Attorney  
Post Office Box 57  
Starkville, Mississippi 39760-2257

Shawn S. Shurden, Esq.  
Special Assistant Attorney General  
Civil Litigation Division  
Post Office Box 220  
Jackson, Mississippi 39205

This 28th day of October, 2006

S/ Wayne Dowdy  
\_\_\_\_\_  
WAYNE DOWDY

